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Situation of human rights in the Democratic People's Republic of Korea

The General Assembly,

Reaffirming that all States have an obligation to promote and protect human rights and fundamental freedoms and to fulfil the obligations that they have undertaken under the various international instruments,

Recalling all previous resolutions adopted by the General Assembly, the Commission on Human Rights and the Human Rights Council on the situation of human rights in the Democratic People's Republic of Korea, including Assembly resolution 72/188 of 19 December 2017 and Council resolution 37/28 of 23 March 2018,[1] and mindful of the need for the international community to strengthen its coordinated efforts aimed at achieving the implementation of those resolutions,

Deeply concerned at the grave human rights situation, the pervasive culture of impunity and the lack of accountability for human rights violations in the Democratic People's Republic of Korea,

Stressing the importance of following up on the recommendations contained in the report of the commission of inquiry on human rights in the Democratic People's

[1] See *Official Records of the General Assembly, Seventy-third Session, Supplement No. 53* (A/73/53), chap. IV, sect. A.

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Republic of Korea,[2] and expressing grave concern at the detailed findings contained therein,

Welcoming the decision of the Security Council to add the situation in the Democratic People's Republic of Korea to the list of issues of which the Council is seized and the holding of an open meeting of the Council on 11 December 2017, subsequent to the ones held in 2014, 2015 and 2016, during which the situation of human rights in the Democratic People's Republic of Korea was discussed,

Recalling the responsibility of the Democratic People's Republic of Korea to protect its population from crimes against humanity, and recalling also that the commission of inquiry urged the leadership of the Democratic People's Republic of Korea to prevent and suppress crimes against humanity and to ensure that perpetrators are prosecuted and brought to justice,

Taking note of the report of the Special Rapporteur of the Human Rights Council on the situation of human rights in the Democratic People's Republic of Korea,[3] regretting that he still has not been allowed to visit the country and that he has received no cooperation from the authorities of the Democratic People's Republic of Korea, and taking note also of the comprehensive report of the Secretary-General on the situation of human rights in the Democratic People's Republic of Korea[4] submitted in accordance with resolution 72/188,

Mindful that the Democratic People's Republic of Korea is a party to the International Covenant on Civil and Political Rights,[5] the International Covenant on Economic, Social and Cultural Rights,[5] the Convention on the Rights of the Child,[6] the Convention on the Elimination of All Forms of Discrimination against Women[7] and the Convention on the Rights of Persons with Disabilities,[8] and recalling the concluding observations of the treaty bodies under the treaties and the importance of giving them consideration,

Recalling the submission, in April 2016, by the Democratic People's Republic of Korea of its combined second, third and fourth periodic reports on the implementation of the Convention on the Elimination of All Forms of Discrimination against Women[9] and of its combined fifth and sixth periodic reports on the implementation of the Convention on the Rights of the Child[10] and the subsequent reviews in 2017 by the relevant committees, and urging full implementation of these Conventions, including the recommendations contained in the concluding observations from the aforementioned reviews,

Noting the visit of the Special Rapporteur of the Human Rights Council on the rights of persons with disabilities to the Democratic People's Republic of Korea in 2017, encouraging the Democratic People's Republic of Korea to implement all of the recommendations contained in the report of the Special Rapporteur on her visit to the Democratic People's Republic of Korea submitted to the Human Rights Council at its thirty-seventh session,[11] and noting the participation of the Democratic People's

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[2] A/HRC/25/63.
[3] A/73/386.
[4] A/73/308.
[5] See resolution 2200 A (XXI), annex.
[6] United Nations, *Treaty Series*, vol. 1577, No. 27531.
[7] Ibid., vol. 1249, No. 20378.
[8] Ibid., vol. 2515, No. 44910.
[9] CEDAW/C/PRK/2-4.
[10] CRC/C/PRK/5.
[11] A/HRC/37/56/Add.1.

Republic of Korea in the Paralympic Winter Games held in Pyeongchang, Republic of Korea,

Stressing the importance of extending its cooperation also to other United Nations special procedures and human rights mechanisms, including the Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea, in accordance with their terms of reference,

Acknowledging the participation of the Democratic People's Republic of Korea in the second universal periodic review process, noting the acceptance by the Government of the Democratic People's Republic of Korea of 113 out of the 268 recommendations contained in the outcome of the review [12] and its stated commitment to implement them and look into the possibility of implementing a further 58 recommendations, while expressing its concern that the recommendations have not been implemented thus far,

Noting the collaboration established between the Government of the Democratic People's Republic of Korea and the United Nations Children's Fund and the World Health Organization in order to improve the health situation in the country,

Noting also the collaboration established between the Government of the Democratic People's Republic of Korea and the United Nations Children's Fund to improve the nutritional status of children and the quality of children's education,

Noting further the activities undertaken by the United Nations Development Programme, on a modest scale, in the Democratic People's Republic of Korea, and encouraging the engagement of the Government of the Democratic People's Republic of Korea with the international community to ensure that the programmes benefit the persons in need of assistance,

Noting the cooperation between the Government of the Democratic People's Republic of Korea and the World Food Programme, the United Nations Children's Fund and the Food and Agriculture Organization of the United Nations on food security assessments, underscoring the importance of those assessments in analysing changes in the national, household and individual food security and nutritional situation and thereby in supporting donor confidence in the targeting of aid programmes, noting also the letter of understanding signed by the Government and the World Food Programme and the importance of further improvements in operating conditions, bringing access and monitoring arrangements closer to international standards for all United Nations entities, and noting with appreciation the work of international aid operators,

Taking note of the United Nations humanitarian report entitled "Democratic People's Republic of Korea 2018: needs and priorities" and its call to address the critical humanitarian needs in the Democratic People's Republic of Korea,

Taking note also of the strategic framework for cooperation between the United Nations and the Government of the Democratic People's Republic of Korea for the period 2017–2021 and the Government's commitment in accordance with the principles, goals and targets of the Sustainable Development Goals [13] and in line with its commitments to international agreements and conventions,

Noting with concern the findings of the United Nations that over 10 million people in the Democratic People's Republic of Korea are estimated to be undernourished and that most children under 24 months of age and 50 per cent of pregnant and breastfeeding women have insufficient dietary diversity, leading to

[12] A/HRC/27/10.

[13] See resolution 70/1.

micronutrient deficiencies and an unacceptably high prevalence of chronic and acute malnutrition, condemning the Democratic People's Republic of Korea for diverting its resources into pursuing nuclear weapons and ballistic missiles over the welfare of its people, and emphasizing the necessity for the Democratic People's Republic of Korea to respect and ensure the welfare and inherent dignity of the people in the country, as referred to by the Security Council in its resolutions 2321 (2016) of 30 November 2016, 2371 (2017) of 5 August 2017, 2375 (2017) of 11 September 2017 and 2397 (2017) of 22 December 2017,

Noting the urgency and importance of the issue of international abductions and of the immediate return of all abductees, as well as the long years of suffering experienced by abductees and their families, expressing grave concern at the lack of positive action by the Democratic People's Republic of Korea since the investigations on all the Japanese nationals commenced on the basis of the government-level consultations held between the Democratic People's Republic of Korea and Japan in May 2014, and expecting the resolution of all issues related to the Japanese nationals, in particular the return of all abductees, to be achieved at the earliest possible date,

Noting also the urgency and importance of the issue of separated families, and in this regard welcoming the resumption of the reunions of separated families across the border in August 2018 and the commitments made on this issue at the inter-Korean Summit held on 19 September 2018 to strengthen humanitarian cooperation to fundamentally resolve the issue of separated families,

Welcoming and further encouraging the efforts of Member States to raise international awareness about the human rights situation in the Democratic People's Republic of Korea, and noting that human rights, including gender equality, are intrinsically linked to peace and security,

Welcoming the ongoing diplomatic efforts, and noting the importance of dialogue and engagement for the improvement of the human rights and humanitarian situation in the country,

Underlining the efforts of the Secretary-General to contribute to improving inter-Korean relations and promoting reconciliation and stability on the Korean Peninsula and the well-being of the Korean people,

1. *Condemns* the long-standing and ongoing systematic, widespread and gross violations of human rights in and by the Democratic People's Republic of Korea, including those which the commission of inquiry on human rights in the Democratic People's Republic of Korea, established by the Human Rights Council in its resolution 22/13 of 21 March 2013,[14] has said may amount to crimes against humanity, and the continuing impunity for such violations;

2. *Expresses its very serious concern* at:

(a) The persistence of continuing reports of violations of human rights, including the detailed findings made by the commission of inquiry in its report,[2] such as:

(i) Torture and other cruel, inhuman or degrading treatment or punishment, including inhuman conditions of detention; rape; public executions; extrajudicial and arbitrary detention; the absence of due process and the rule of law, including fair trial guarantees and an independent judiciary; extrajudicial, summary and arbitrary executions; the imposition of the death penalty for

[14] See *Official Records of the General Assembly, Sixty-eighth Session, Supplement No. 53* (A/68/53), chap. IV, sect. A.

political and religious reasons; collective punishments extending up to three generations; and the extensive use of forced labour;

(ii) The existence of an extensive system of political prison camps, where a vast number of persons are deprived of their liberty and subjected to deplorable conditions, including forced labour, and where alarming violations of human rights are perpetrated;

(iii) The forcible transfer of populations and the limitations imposed on every person who wishes to move freely within the country and travel abroad, including the punishment of those who leave or try to leave the country without permission, or their families, as well as punishment of persons who are returned;

(iv) The situation of refugees and asylum seekers expelled or returned to the Democratic People's Republic of Korea and retaliations against citizens of the Democratic People's Republic of Korea who have been repatriated from abroad, leading to punishments of internment, torture, other cruel, inhuman or degrading treatment, sexual violence or the death penalty, and in this regard strongly urges all States to respect the fundamental principle of non refoulement, to treat those who seek refuge humanely and to ensure unhindered access to the United Nations High Commissioner for Refugees and his Office, with a view to protecting the human rights of those who seek refuge, and once again urges States parties to comply with their obligations under the 1951 Convention relating to the Status of Refugees[15] and the 1967 Protocol thereto[16] in relation to refugees from the Democratic People's Republic of Korea who are covered by those instruments;

(v) All-pervasive and severe restrictions, both online and offline, on the freedoms of thought, conscience, religion or belief, opinion and expression, peaceful assembly and association, the right to privacy and equal access to information, by such means as the unlawful and arbitrary surveillance, persecution, torture, imprisonment and, in some instances, summary executions of individuals exercising their freedom of opinion and expression, religion or belief, and their families, and the right of everyone, including women, to take part in the conduct of public affairs, directly or through freely chosen representatives, of his or her country;

(vi) Violations of economic, social and cultural rights, which have led to food insecurity, severe hunger, malnutrition, widespread health problems and other hardship for the population in the Democratic People's Republic of Korea, in particular for women, children, persons with disabilities, older persons and political prisoners;

(vii) Violations of the human rights and fundamental freedoms of women and girls, in particular the creation of internal conditions that force women and girls to leave the country and make them extremely vulnerable to trafficking in persons for the purpose of prostitution, domestic servitude or forced marriage and the subjection of women and girls to gender-based discrimination, including in the political and social spheres, forced abortions and other forms of sexual and gender-based violence;

(viii) Violations of the human rights and fundamental freedoms of children, in particular the continued lack of access to basic economic, social and cultural rights for many children, and in this regard notes the particularly vulnerable situation faced by, inter alia, returned or repatriated children, street children,

[15] United Nations, *Treaty Series*, vol. 189, No. 2545.

[16] Ibid., vol. 606, No. 8791.

children with disabilities, children whose parents are detained, children living in detention or in institutions and children in conflict with the law;

(ix) Violations of the human rights and fundamental freedoms of persons with disabilities, especially violations involving the use of collective camps and coercive measures that target the rights of persons with disabilities to decide freely and responsibly on the number and spacing of their children and allegations of the possible use of persons with disabilities in medical testing, forced relocation to rural areas and separation of children with disabilities from their parents;

(x) Violations of workers' rights, including the right to freedom of association and effective recognition of the right to collective bargaining, the right to strike as defined by the obligations of the Democratic People's Republic of Korea under the International Covenant on Economic, Social and Cultural Rights,[5] and the prohibition of the economic exploitation of children and of any harmful or hazardous work of children as defined by the obligations of the Democratic People's Republic of Korea under the Convention on the Rights of the Child,[6] as well as the exploitation of workers sent abroad from the Democratic People's Republic of Korea to work under conditions that reportedly amount to forced labour, recalls paragraph 11 of Security Council resolution 2371 (2017) and paragraph 17 of resolution 2375 (2017), in which the Council decided that Member States shall not provide work authorizations for nationals of the Democratic People's Republic of Korea in their jurisdictions, and also recalls paragraph 8 of Council resolution 2397 (2017), in which the Council decided that Member States shall repatriate to the Democratic People's Republic of Korea all nationals from the Democratic People's Republic of Korea earning income in that Member State's jurisdiction and all government safety oversight attachés of the Democratic People's Republic of Korea monitoring workers from the Democratic People's Republic of Korea abroad immediately, but not later than 24 months from 22 December 2017, unless the Member State determines that a Democratic People's Republic of Korea national is a national of that Member State or a Democratic People's Republic of Korea national's repatriation is prohibited, subject to applicable national and international law, including international refugee law and international human rights law, the Agreement between the United Nations and the United States of America regarding the Headquarters of the United Nations[17] and the Convention on the Privileges and Immunities of the United Nations,[18] and urges the Democratic People's Republic of Korea to promote, respect and protect the human rights of workers, including workers repatriated to the Democratic People's Republic of Korea;

(xi) Discrimination based on the *songbun* system, which classifies people on the basis of State-assigned social class and birth and also includes consideration of political opinions and religion;

(xii) Violence and discrimination against women, including unequal access to employment, and discriminatory laws and regulations;

(b) The continued refusal of the Government of the Democratic People's Republic of Korea to extend an invitation to the Special Rapporteur of the Human Rights Council on the situation of human rights in the Democratic People's Republic of Korea or to extend cooperation to the Special Rapporteur and several other United

[17] See resolution 169 (II).

[18] Resolution 22 A (I).

Nations special procedures in accordance with their terms of reference, as well as to other United Nations human rights mechanisms;

(c) The continued lack of acknowledgement by the Government of the Democratic People's Republic of Korea of the grave human rights situation in the country and its consequential lack of action to report on the state of implementation of the recommendations contained in the outcome of its first universal periodic review[19] and to give consideration to the concluding observations of the treaty bodies;

3. *Condemns* the systematic abduction, denial of repatriation and subsequent enforced disappearance of persons, including those from other countries, on a large scale and as a matter of State policy, and in this regard strongly calls upon the Government of the Democratic People's Republic of Korea urgently to resolve these issues of international concern, in a transparent manner, including by ensuring the immediate return of abductees;

4. *Underscores its very serious concern* regarding reports of torture, summary executions, arbitrary detention, abductions and other forms of human rights violations and abuses that the Democratic People's Republic of Korea commits against citizens of other countries within and outside of its territory;

5. *Expresses its very deep concern* at the precarious humanitarian situation in the country, which could rapidly deteriorate owing to limited resilience to natural disasters and to government policies causing limitations in the availability of and access to adequate food, compounded by structural weaknesses in agricultural production resulting in significant shortages of diversified food and the State restrictions on the cultivation of and trade in foodstuffs, as well as the prevalence of chronic and acute malnutrition, particularly among the most vulnerable groups, pregnant and lactating women, children, persons with disabilities, older persons and political prisoners, and urges the Government of the Democratic People's Republic of Korea, in this regard, to take preventive and remedial action, cooperating with international donor agencies and in accordance with international standards for monitoring humanitarian assistance;

6. *Welcomes* the latest reports to the Human Rights Council of the Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea;[20]

7. *Reiterates its appreciation* for the report of the group of independent experts on accountability for human rights violations in the Democratic People's Republic of Korea[21] established pursuant to Council resolution 31/18 of 23 March 2016,[22] including options to seek accountability and secure truth and justice for all victims;

8. *Welcomes* steps taken pursuant to Human Rights Council resolution 34/24 of 24 March 2017[23] to strengthen the capacity of the Office of the United Nations High Commissioner for Human Rights, including its field-based structure in Seoul, to allow the implementation of relevant recommendations made by the group of independent experts on accountability aimed at strengthening current monitoring and documentation efforts, establishing a central repository for information and evidence and having experts in legal accountability assess all information and testimony with

[19] A/HRC/13/13.

[20] A/HRC/34/66.

[21] A/HRC/34/66/Add.1.

[22] See *Official Records of the General Assembly, Seventy-first Session, Supplement No. 53* (A/71/53), chap. IV, sect. A.

[23] See *Official Records of the General Assembly, Seventy-second Session, Supplement No. 53* (A/72/53), chap. IV, sect. A.

a view to developing possible strategies to be used in any future accountability process, and strongly encourages the Office of the United Nations High Commissioner for Human Rights to expedite the process for strengthening the capacity of the Office;

9. *Reiterates its appreciation* for the work of the commission of inquiry, recognizes the continuing importance of its report, and regrets that the commission received no cooperation from the authorities of the Democratic People's Republic of Korea, including with regard to access to the country;

10. *Acknowledges* the commission's finding that the body of testimony gathered and the information received provide reasonable grounds to believe that crimes against humanity have been committed in the Democratic People's Republic of Korea, pursuant to policies established at the highest level of the State for decades and by institutions under the effective control of its leadership;

11. *Expresses its concern* at the failure of the authorities of the Democratic People's Republic of Korea to prosecute those responsible for human rights violations, including violations which the commission of inquiry has said may amount to crimes against humanity, and encourages the international community to cooperate with accountability efforts and to ensure that such crimes do not remain unpunished;

12. *Encourages* the Security Council to continue its consideration of the relevant conclusions and recommendations of the commission of inquiry and take appropriate action to ensure accountability, including through consideration of referral of the situation in the Democratic People's Republic of Korea to the International Criminal Court and consideration of the further development of sanctions in order to target effectively those who appear to be most responsible for human rights violations that the commission has said may constitute crimes against humanity;

13. *Also encourages* the Security Council to continue to discuss the situation in the Democratic People's Republic of Korea, including the country's human rights situation, in the light of the serious concerns expressed in the present resolution, and looks forward to its continued and more active engagement on this matter;

14. *Encourages* the continuing endeavours of the Office of the United Nations High Commissioner for Human Rights field-based structure in Seoul, and welcomes its regular reporting to the Human Rights Council;

15. *Calls upon* Member States to undertake to ensure that the field-based structure of the Office of the High Commissioner can function with independence, has sufficient resources and support to fulfil its mandate, enjoys full cooperation with relevant Member States and is not subjected to any reprisals or threats;

16. *Strongly urges* the Government of the Democratic People's Republic of Korea to respect fully all human rights and fundamental freedoms and, in this regard:

(a) To immediately put an end to the systematic, widespread and grave violations of human rights emphasized above, inter alia, by implementing fully the measures set out in the above-mentioned resolutions of the General Assembly, the Commission on Human Rights and the Human Rights Council, and the recommendations addressed to the Democratic People's Republic of Korea by the Council in the context of the universal periodic review and by the commission of inquiry, the United Nations special procedures and treaty bodies;

(b) To immediately close the political prison camps and to release all political prisoners unconditionally and without any delay;

(c) To protect its inhabitants, address the issue of impunity and ensure that those responsible for crimes involving violations of human rights are brought to justice before an independent judiciary;

(d) To tackle the root causes leading to refugee outflows and prosecute those who exploit refugees through migrant smuggling, trafficking in human beings and extortion, while not criminalizing refugees and the victims of trafficking;

(e) To ensure that everyone within the territory of the Democratic People's Republic of Korea enjoys the right to liberty of movement and is free to leave the country, including for the purpose of seeking asylum outside the Democratic People's Republic of Korea, without interference by the authorities of the Democratic People's Republic of Korea;

(f) To ensure that citizens of the Democratic People's Republic of Korea who are expelled or returned to the Democratic People's Republic of Korea are able to return in safety and dignity, are treated humanely and are not subjected to any kind of punishment, and to provide information on their status and treatment;

(g) To provide citizens of other countries detained in the Democratic People's Republic of Korea with protections, including freedom of communication with, and access to, consular officers in accordance with the Vienna Convention on Consular Relations,[24] to which the Democratic People's Republic of Korea is a party, and any other necessary arrangements to confirm their status and to communicate with their families;

(h) To extend its full cooperation to the Special Rapporteur, including by granting him full, free and unimpeded access to the Democratic People's Republic of Korea, and to other special procedures of the Human Rights Council as well as to other United Nations human rights mechanisms so that a full needs assessment of the human rights situation may be made;

(i) To engage in technical cooperation activities in the field of human rights with the United Nations High Commissioner for Human Rights and her Office, as pursued by the High Commissioner in recent years, with a view to improving the situation of human rights in the country;

(j) To implement the accepted recommendations stemming from the universal periodic review and to consider positively those recommendations which are still under consideration, and to submit a report to the Human Rights Council for consideration during the third review cycle;

(k) To become a member of the International Labour Organization, to enact legislation and adopt practices to comply with international labour standards and to consider ratifying all the relevant conventions, in particular the core labour conventions of the International Labour Organization;

(l) To continue and reinforce its cooperation with United Nations humanitarian agencies;

(m) To ensure full, safe and unhindered access to humanitarian aid, as well as to critical data, and take measures to allow humanitarian agencies to secure the impartial delivery of such aid to all parts of the country, including detention facilities, on the basis of need in accordance with humanitarian principles, as it pledged to do, to ensure access to adequate food and implement more effective food security and nutrition policies, including through sustainable agriculture, sound food production

[24] United Nations, *Treaty Series*, vol. 596, No. 8638.

and distribution measures and the allocation of more funds to the food sector, and to ensure adequate monitoring of humanitarian assistance;

(n) To further improve cooperation with the United Nations country team members and development agencies so that they can directly contribute to improving the living conditions of the civilian population, including progress towards the achievement of the Sustainable Development Goals;[10]

(o) To consider ratifying and acceding to the remaining international human rights treaties, which would enable a dialogue with the human rights treaty bodies, to resume reporting to monitoring bodies on treaties to which it is a party, to participate meaningfully in treaty body reviews, and to give consideration to the concluding observations of such bodies in order to improve the human rights situation in the country;

17. *Urges* the Government of the Democratic People's Republic of Korea to implement the recommendations of the commission of inquiry without delay;

18. *Reiterates* the importance of maintaining the grave human rights situation in the Democratic People's Republic of Korea high on the international agenda, including through sustained communications, advocacy and outreach initiatives, and requests the Office of the United Nations High Commissioner for Human Rights to strengthen those activities;

19. *Encourages* all Member States, the General Assembly, the Human Rights Council, the Office of the High Commissioner, the United Nations Secretariat, relevant specialized agencies, regional intergovernmental organizations and forums, civil society organizations, foundations and engaged business enterprises and other stakeholders towards which the commission of inquiry has directed recommendations to implement or take forward those recommendations;

20. *Encourages* the United Nations system as a whole to continue to address the grave human rights situation in the Democratic People's Republic of Korea in a coordinated and unified manner;

21 *Encourages* the relevant United Nations programmes, funds, specialized agencies and other related organizations to assist the Government of the Democratic People's Republic of Korea in the implementation of recommendations stemming from the universal periodic review and from the report of the commission of inquiry;

22. *Calls upon* the Democratic People's Republic of Korea to engage constructively with international interlocutors with a view to promoting concrete improvements in the human rights situation on the ground, including through human rights dialogues, official visits to the country that include adequate access to fully assess human rights conditions, cooperation initiatives and more people-to-people contact as a matter of priority;

23. *Decides* to continue its examination of the situation of human rights in the Democratic People's Republic of Korea at its seventy-fourth session, and to this end requests the Secretary-General to submit a comprehensive report on the situation of human rights in the Democratic People's Republic of Korea, and requests the Special Rapporteur to continue to report his findings and recommendations, as well as to report on the follow-up to the implementation of the recommendations of the commission of inquiry.